

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): David HEATHER, Colin Ewart HARDING, Rufus Harold HARDING,  
Roderick MACDONALD, Richard Clive OGDEN

U.S. Serial No.: 10/575,925

Filed:

For: BUILDING MODULES

Int'l Appln. No.: PCT/GB2004/004400

Int'l Filing Date: 15 October 2004 (15.10.2004)

Priority Date: 17 October 2003 (17.10.2003)

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

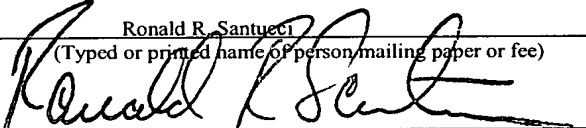
Confirmation No.: 5464

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New York, NY 10151

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and is addressed to: Mail Stop PCT, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450.

Ronald R. Santucci  
(Typed or printed name of person mailing paper or fee)  
  
(Signature of person mailing paper or fee)

**PETITION UNDER 37 C.F.R. 1.47 (a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicants hereby petition the Commissioner to accept the accompanying  
Declaration under 37 C.F.R. 1.47(a), Filing When an Inventor Refuses to Sign.

David Heather, Colin Ewart Harding, Rufus Harold Harding, Roderick Macdonald and Richard Clive Odgen are co-inventors in the present application. The present application (U.S. Patent Application Serial No. 10/575,925) is a U.S. National Phase of International Patent Application No. PCT/GB2004/004400 filed October 15, 2004 which claimed priority benefits to British Patent Application No. 0324363.1 filed October 17, 2003. The Applicant in the international application was originally Verbus Ltd. but its name was changed as of December 7, 2005 to Big Steps Limited. A Notice of the Recording of the Change of Name of Applicant was sent to the International Bureau of WIPO and the change of name was noted in the international application. Prior to the filing of the international application an assignment of priority British Patent Application No. 0324363.1 and the international application to be filed claiming priority of British Patent Application No. 0324363.1 was signed by all five inventors on October 14, 2004. A copy of the assignment is enclosed herewith as Attachment 1.

Frommer, Lawrence, & Haug LLP, patent counsel for the Applicants, filed the U.S. National Phase of PCT/GB2004/004400 with the United States Patent and Trademark Office (USPTO) on behalf of the Applicants on April 14, 2006. The application was filed with the USPTO without a signed declaration. A blank declaration was e-mailed to the legal representatives in Great Britain for Big Steps Limited (Abel & Imray) on March 28, 2006 for execution by the inventors. Abel & Imray were able to obtain execution by four of the five inventors but were unable to obtain execution by the fifth named inventor, Richard Clive Odgen.

A letter was sent to Mr. Ogden by co-inventor David Heather on July 31, 2006 requesting his signature on formal papers including the declaration for this application. In addition, an e-mail was sent on November 14, 2006 to Mr. Ogden by Julian Bardo of Abel & Imray asking for the return of the executed declaration for the US national phase application. No reply has been forthcoming from Mr. Ogden. A copy of each piece of correspondence is enclosed at Attachment 2.

The last Known address for Richard Clive Ogden is:

Holly Cottage, Stoke Wood, Stoke Poges, Buckinghamshire,  
Great Britain SL2 4AU

A Notification of Missing Requirements was mailed for this above application on March 1, 2007. In order to file a timely response Applicants enclose the declaration for this application with execution by four of the five named inventors and respectfully request that the Commissioner accept the accompanying Declaration under 37 CFR 1.47(a) in a written decision on this petition.

A check in the amount of \$260.00 is enclosed herewith which includes the \$130.00 petition fee as well as the fee for late filing of a declaration for a large entity (\$130.00). The Commissioner is authorized to charge any additional fees and credit any overpayment to our Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants



Ronald R. Santucci

Reg. No. 28,988

(212) 588-0800

05/04/2007 MKAYPAGH 00000111 10575925

01 FC:1464 130.00 OP

05/04/2007 MKAYPAGH 00000111 10575925

02 FC:1617 130.00 OP

**ATTACHMENT**  
**1**

## ASSIGNMENT

THIS ASSIGNMENT is made the 14 th day of October 2004, BETWEEN:

Rod Macdonald [*Roderick Macdonald, of 114 Woodsford Square, London W14 8DT*],  
Colin Harding [*Colin Ewart Harding, 10 Milner Road, Bournemouth, BH4 8AD*], Rufus  
Harding [*Old Forge Cottage, Duck Street, Ebbesbourne Wake, Wiltshire SP5 5JN*],  
Richard Ogden [*Richard Clive Ogden, Holly Cottage, Stoke Wood, Stoke Poges,*  
*Buckinghamshire, SL2 4AU*], and David Heather [*2 East Drive, High Wycombe,*  
*Buckinghamshire, HP13 6JN*], hereinafter referred to as the Inventors,

Buro Happold Partnership  
Camden Mill, Lower Bristol Road, Bath BA2 3DQ

Buro Happold Engineers  
Camden Mill, Lower Bristol Road, Bath BA2 3DQ

George and Harding Construction Ltd  
Sunburst House, Elliott Road, Bournemouth BH11 8LT

Chelaberd Ltd  
Sunburst House, Elliott Road, Bournemouth BH11 8LT

Malaru Ltd  
Sunburst House, Elliott Road, Bournemouth BH11 8LT

Stokewood Development Ltd  
Holly Cottage, Stoke Wood, Stoke Poges, Bucks, SL2 4AU

H.E. Associates  
2 East Drive, High Wycombe, Bucks, HP13 6JN

**H.E. Associates**

**2 East Drive, High Wycombe, Bucks, HP13 6JN**

**Hereinafter referred to as the Assignor Companies, and**

**Verbus Limited, a British company of Sunburst House, Elliott Road, Bournemouth, BH1 1 8LT (hereinafter referred to as the Assignee).**

**WHEREAS:**

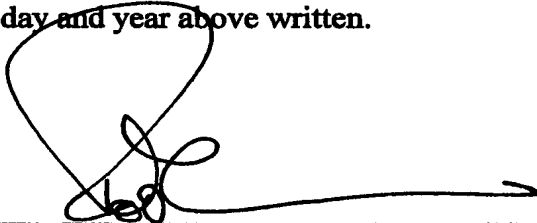
- (A) The Inventors have made an invention (hereinafter referred to as "the Invention") relating to building modules, which invention is the subject of British Patent Application No 0324363.1 filed in the name of the Assignee and is to be the subject of a PCT application that will be filed claiming priority from British Patent Application No 0324363.1 and containing additional material.**
- (B) Certain of the Inventors hold senior positions in certain of the Assignor Companies and by virtue of their relationships with those companies, it is possible that certain rights in the Invention have been transferred to one or more of the Assignor Companies.**
- (C) All the parties have agreed that all the right, title and interest in the Invention shall be transferred to the Assignee and have also agreed that British Patent Application No 0324363.1 and a PCT application claiming priority from the British application should be filed in the name of the Assignee.**

**THIS ASSIGNMENT WITNESSETH as follows:**

**In consideration of the sum of £1 now paid by the Assignee to each of the Inventors and to each of the Assignor Companies (the receipt whereof is hereby acknowledged), each Inventor and each Assignor Company hereby assigns to the Assignee any rights it may**

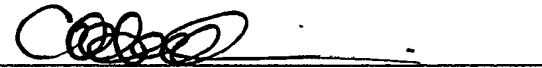
have in British Patent Application No 0324363.1 or in the Invention, including all rights, title and interest, powers, privileges and immunities associated therewith.

IN WITNESS whereof the parties have executed this Assignment to take effect from the day and year above written.



signed by Roderick ~~Lewis~~ Macdonald

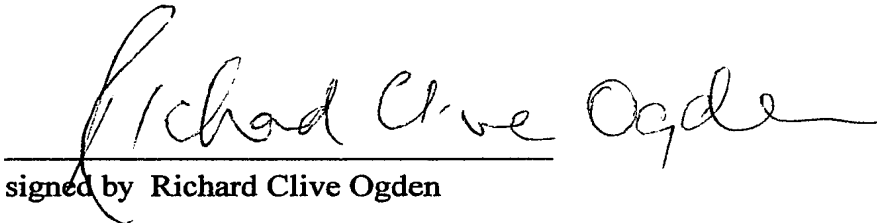
RSM



signed by Colin Ewart Harding



signed by Rufus Harold Harding



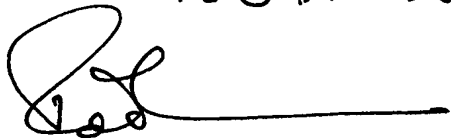
signed by Richard Clive Ogden



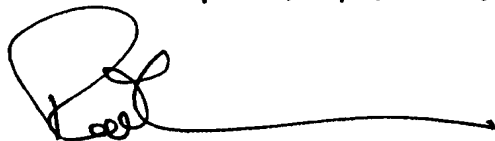
signed by David Heather



signed on behalf of Buro Happold Partnership  
by R G MACDONALD



signed on behalf of Buro Happold Ltd  
by R G MACDONALD



signed on behalf of Buro Happold Engineers Ltd  
by R G MACDONALD



signed on behalf of George and Harding Construction Ltd  
by C.E. HARDING



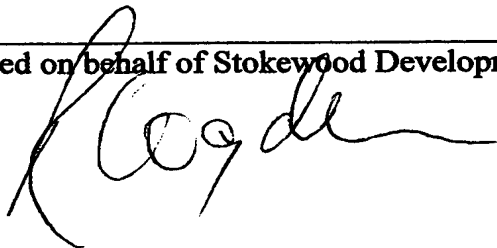
signed on behalf of Chelaberd Ltd  
by C.E. HARDING



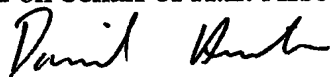
signed on behalf of Malaru Ltd  
by R.H. HARDING

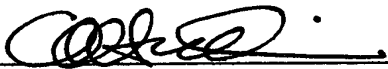



Signed on behalf of Stokewood Development Ltd  
by



Signed on behalf of H.E. Associates  
by



  
signed on behalf of Verbus Limited  
by

  
C.E. HARDING  
(Company Secretary)

**ATTACHMENT**  
**2**

**Big Steps Ltd**

**9 Mansfield Street , London W1G 9NY**

**c/o David Heather**  
**2 East Drive**  
**High Wycombe**  
**Bucks**  
**HP13 6JN**

Date 31<sup>st</sup> July 2006

Dear Richard,

Hope you Rosanna and boys are all well and thriving, Sue and myself doing OK just come back from a superb diving holiday in Indonesia, Komodo Island, volcanoes, deserted tropical islands, magical underwater as well as the Komodo Dragons (not a pretty sight really.)

Things plodding along here, a bit of action starting, lets see what develops.

I am writing to you with regards Big Steps and the patents, we have registered them in various countries which all required the setting up the power of attorney to a patent agent in each country. Most of which just required one signature, which I provided, but for the USA and South Africa they required the signature of all the listed inventors on the confirmation of assignment of which you have already undertaken under Verbus Ltd and the Power of Attorney declaration for South Africa.

Could you please oblige by attaching your signature to the marked up pages and be so kind as to return the docs to me in the enclosed stamp addressed envelope.

Many Thanks

Yours Sincerely

David

Attached:-

- 1 Assignment for USA Patent Office
- 2 Declaration for Patent Application and Power of Attorney USA
- 3 RSA Confirmation of Assignment of Invention and Priority Rights

**Julian Bardo**

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**From:** David Heather [david@verbussystems.com]  
**Sent:** 14 November 2006 16:09  
**To:** Richard Ogden  
**Subject:** Patents Power of attorney Docs Signing

Richard,

Hope you are well and business progressing.

Sorry I never got back to the design exhibition did not finish to late in the day.

During summer I sent you 2 Docs for signing with regards to the patent registering in South Africa and USA with a stamped addressed envelope for returning.

Doc 1 South Africa Assignment of Invention and Priority Rights

Doc 2 USA Combined declaration and power of attorney

I would be grateful if you could sign the docs as co inventor (with a shareholding interest) so that I can proceed with the registration. This will close my personal obligation to register the patents in the targeted countries.

If you decide not to sign could you please return the docs to me with a short note stating the reasons.

Many Thanks

Best Regards

David

08/02/2007